THOUGHTS
ON
IMPROVING
THE
GOVERNMENT
OF THE
BRITISH Territorial Poſſeſſions
IN THE
EAST INDIES.

Βουλευσομεσθα, και τομεν καλως εχει
Ὅπως χρονιζον ευ μενει, Βουλευτεον.
Ὅτω δε και δει φαρμακων παιωνιων,
Ἤτι κεαντες, ἢ τεμοντες ευφρονως,
Πειρασομεσθα πηματος τρεψαι νοσον.

ÆSCHYL. in Agam

We will conſult, that what is well may keep
Its goodneſs permanent, and what requires
Our healing hand, with mild ſeverity
May be corrected.

POTTER's Tranſlation.

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ERRATA.

Page 55. line 25. *for* anology *read* analogy
Page 73. laſt line, for *trahitur* read *trahetur*

THOUGHTS, &c.

THE advantages which may ariſe from a proper adminiſtration and ſolid arrangement of the political government of our territorial poſſeſſions in the Eaſt Indies, have never yet met with that conſideration from the legiſlature which they deſerve. If no other motives can induce us to think of the very great benefits which may in every view be derived from thence, our preſent exigencies at leaſt may have that beneficial effect.

Three vaſt provinces, full of induſtry and wealth, were acquired by Lord Clive's treaty in 1775, yielding 1,650,900*l.* to the Eaſt India Company, independant of a ſum of 50 lacks, which were allotted to Sujah Dowla, and of Lord Clive's Jaghire. We have, beſides this, the ſettle-

ments upon the coaſts of Malabar, and Coromandel. Yet theſe have produced but a very inadequate benefit to this country, and are in danger of becoming leſs and leſs beneficial to us, owing to the want of due attention to the nature of ſuch eſtabliſhments, both with reſpect to the power which governs them at home, and the conſtitution of their government abroad.

The object of theſe few pages is to point out ſome of the moſt material defects in the adminiſtration of our affairs in the Eaſt, both at home and abroad, and to propoſe the method of amending them; by which the public will receive much of that advantage which now falls into the hands of individuals, and thereby becomes rather an evil than an advantage.

That all conqueſts or acquiſitions made by ſubjects, either by means of arms or of negociation, belong to the ſovereignty of the ſtate, to the effect of giving the national council a right to regulate the adminiſtration of them, and of giving the public a right to participate in the advan-

tages

tages which may be derived from them, is a poſition denied by no ſpeculative writer, and is directly affirmed by the law and conſtitution of Great Britain. Agreeably to this principle, the legiſlature has often adverted to this ſubject, but till of late years the extent of its importance ſeems not to have been underſtood, nor has it yet been ſo underſtood as to ſuggeſt the fundamental principles, which can alone ſecure to us the advantage to be derived by ſuch acquiſitions.

The two great foundations of all national wealth, are agriculture, and commerce. In Europe the commercial ſyſtem has had a decided ſuperiority over the agricultural, ever ſince the diſcovery of America, and of the paſſage to India by the Cape of Good Hope. A ſtrong and immediate attraction of the national capital towards the one, can never operate but at the expence of the other, and to theſe two events is in a great meaſure to be aſcribed, the advancement and improvement of commerce, while agriculture has been ſurprizingly neglected, as the face of every country in Europe will teſtify, England

itſelf

itſelf not excepted. The opening of thoſe vaſt ſources of commercial advantage to the kingdoms of Europe, rouſed in a moment every avaricious principle, which lurks in the breaſts of ſtates, or individuals. Monopolies inſtantly ſprung up in every nation except the Portugueſe, and general monopolies begot individual monopolies, by much the moſt deſtructive of the two. It may not now be the proper time to agitate the great queſtion, whether the trade from Britain to India ought to be carried on by an excluſive company or not, but it is certainly a fit time to examine the principles on which the government of our dominions in the Eaſt ought to be carried on, with as much public advantage as a monopoly can admit of. If the monopoly of this trade ſhall continue to be thought neceſſary, yet the delegation of the powers of government needs not for that reaſon to be placed in the hands of the monopoliſts, but on the contrary it ought to be taken out of thoſe hands, when the territories which have ſprung from our trade become objects of too great magnitude, for the ſuperintendance

dance of any power but that of the legiſlature.

The monopolies of the European ſtates have been of two ſorts. The one, excluding all other nations from any commerce with its foreign dominions, of which the Britiſh trade with America may be taken as an example. The other, excluding all their own ſubjects, except a favourite company, from any ſhare in the trade to diſtant ſettlements, as in the caſe of the Eaſt India Company. Both of theſe monopolies are attended with very pernicious conſequences to the ſtate which adopts them. It would be foreign to the preſent enquiry, to examine the effects of the former, but the latter ſpecies may properly be conſidered as expoſed to the following obſervations. The eſtabliſhment of an excluſive company puts all the reſt of the ſubjects at the mercy of that company, with reſpect to the price of every commodity which they import, and limits the extent of the quantity of labour required from this country, to ſupply the Eaſt, according to the pleaſure, or the good or ill conduct of thoſe who conduct the mo-

nopoly.

nopoly. It is, in the ſtricteſt ſenſe of the word, a monopoly againſt our fellow-ſubjects. When any man purchaſes Eaſt India goods, it is obvious that he muſt pay, not only the original price of the commodity, together with an exorbitant profit to the company, but that he muſt alſo pay a ſhare of the waſte occaſioned by the frauds and abuſe neceſſarily connected with ſuch an inſtitution, and which every man knows have uniformly attended it. The ſpirit of monopoly, when left entirely uncontrouled, as in the Dutch Spice Iſlands, in a ſhort ſpace of time produced a compleat deſolation and a deſtruction of the very articles of commerce which thoſe iſlands produce, in order to perfect the ſyſtem of monopoly. In the Britiſh dominions, the ſame principles have produced effects ſimilar in their nature, and differing only in degree. An order that rice ſhould be eradicated, to make way for a crop of opium, and *vice verſâ*, when the mercantile Governor found his intereſt in that cruel meaſure, is related in the hiſtory of our adminiſtration in Bengal; and little doubt can be entertained, but

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that we ſhould have followed the Dutch example throughout, had not the legiſlature at times interpoſed; which proves to a demonſtration the neceſſity of eſtabliſhing an overruling authority in India, derived from the legiſlature itſelf, and independant of the mercantile company. The Engliſh and the Dutch have made conſiderable conqueſts in the Eaſt, yet the ſpirit of monopoly has ever cruſhed the firſt appearances of eſtabliſhed colonies, in thoſe countries. It is very obvious to every attentive mind, that the flouriſhing condition of foreign poſſeſſions, with reſpect to population, manufacture, and agriculture, muſt augment the quantity of labour, in that ſtate which has dominion over them; and it follows *è converſo*, that a diminution of the proſperity of thoſe poſſeſſions, proportionably depreſſes the quantity of labour which might be produced in return for their commodities, in the governing ſtate. Another propoſition is equally clear, namely, that in every country, the revenue of the ſovereign, or ſovereign ſtate, muſt be derived from that of the people. The greater the number

of that people, the greater will be the ſurplus of their labour, beyond what ſupplies their own exigencies ; and conſequently the greater will be the portion which may be ſafely allotted to the ſovereign, or ſovereign ſtate. If this be a demonſtrable or rather a ſelf-evident truth, and if it be equally demonſtrable, though perhaps not equally ſelf-evident, that excluſive companies have a direct tendency to counteract population, commerce, and agriculture, the inference is irreſiſtible, that if an excluſive company be unavoidable, the utmoſt degree of care is neceſſary to obviate the ill effects of it as far as poſſible, with reſpect to the SOVEREIGNTY. The directors of the Eaſt India Company have evidently the ſame intereſt in the good government of the Eaſt, which the ſtate itſelf has ; but the ſervants of the company have no intereſt whatſoever in its permanent proſperity. The directors have therefore in general meant well, in all their regulations, and have been in a continual ſtate of contention with their ſervants, endeavouring, as far as lay within the compaſs of their

judgment, or their powers, to reſtrain the ill conduct of their agents in India. But all their efforts have been weak and inadequate. No country was ever expoſed to ſuch inordinate rapine by the hands of thoſe who had no intereſt in its exiſtence, beyond the ſhort term of their reſidence there. The powers of the company have ſcarce been able to check this rapine, though with the aſſiſtance of the legiſlature they have in a conſiderable degree accompliſhed that purpoſe. But the *origo mali* lies farther back. The Court of Directors, or in other words a committee of merchants, are in the nature of things unfitted for the purpoſe of governing that country in which their excluſive monopoly is exerciſed. The firſt object with a body of profeſſional men, is their profeſſion. Merchandize is the firſt object with merchants. Government will only be an acceſſory, a mere ſecondary conſideration, ſubſervient to its principal. To ſell very dear, and to purchaſe cheap by dint of authority and power, will be the natural conſequence of this impolitic union of the mercantile and ſovereign characters; and

temporary profit will in a great degree take place of laſting policy, even among the Directors. The mercantile character is no way ſuited to the exerciſe of authority, nor can they maintain it in any other way than by the aſſiſtance of military force. If this reaſoning be well founded, the concluſion to be drawn from it will naturally be this; that a compleat remedy ought to be found, for the imperfections of the adminiſtration of our affairs in India, at home as well as abroad. The Directors of the company are nothing more than a committee of the ſtock-holders, choſen from among themſelves by ballot; and when they are thus choſen, almoſt the whole of the government of the Britiſh intereſt in India, as well as the trading concerns of the company, is committed to their charge, ſubject to the review of the ſtock-holders at large. The welfare of twelve millions of people, and the extent and duration of the national advantage to be derived from the trade and territorial revenue of India, reſt on this foundation. Nothing ſurely can be more contrary to every principle of government

which

which has been known among men, than that ſuch a ſtate ſhould ultimately depend upon the votes of a large number of accidental proprietors of ſtock, men of all deſcriptions and of all nations, who purchaſe a ſhare in its government to-day, and may ſell it again to-morrow. It may I believe be ſafely aſſerted, that the government of a diſtant Empire was never before placed in a body of men ſo fluctuating in their nature, and related to the ſubject-matter of their government by no other tie, than that of getting a tolerable intereſt for one or two thouſand pounds. That the proprietors of the trading capital ſhould manage the trade carried on with that capital, may be right and beneficial; and the obvious inference is, that the deliberations of thoſe perſons, when aſſembled in their corporate capacity, ought to be confined to that ſubject only. The Eaſt India Company ſhould therefore be reſtrained in this point, merely to what regards their inveſtments and dividends; and theſe, it is to be obſerved, were the only ſubjects, which originally exiſted for their determinations. This is fair politi-

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cal ground for reſtraining them, as it never can be maintained, that their powers are to be commenſurate to every poſſible increaſe of the Britiſh Empire in thoſe parts. This muſt be the foundation of all good government in India, viz. that the executive officers there, ſhould be appointed by the crown, in the ſame manner as they are directed by the conſtitution to be, in our other foreign dominions; and no good reaſon has ever been given, why a difference ſhould be made in this eſſential point, between Aſia and America. The argument againſt this has uſually been drawn from an apprehenſion of the public danger which would ariſe, from an over great extenſion of the patronage of the crown. This anſwer however may be given to it, namely, that as that patronage has nearly ſet in the Weſt, it may riſe again in the Eaſt, without any alteration in the former equilibrium; and this more general anſwer may alſo be given, that it is the neceſſary conſequence of the increaſe of empire. If it is an evil, it is the ſmaller evil of the two; and the common adage will here

give

give us a right and ſolid concluſion, that of two evils we muſt chuſe the leaſt. Reaſon and paſt experience (which in politics is the ſurer guide of the two) both concur in ſettling this point; but as it may be doubted by men of democratic perſuaſions, ſome other arguments may have weight in this conſideration, derived from the nature of the country itſelf.

The great Peninſula of India is a conquered country, parcelled out among Mahometan tyrants, and thoſe few native Princes who remain in poſſeſſion of their original territories. This creates two hereditary parties. The native princes juſtly abhor the Mahometans. They are of a peaceful, laborious, patient character, and a juſt and gentle government eſtabliſhed there, they are ſenſible would be a comfort and protection to them. The Mahometan princes are humiliated and galled with the thought of being under the ſway of a company of merchants, and have turned their eyes towards the crown of theſe realms, ever ſince they acquired a knowledge of the nature of the Britiſh government. The caprice of the com-

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pany's government, added to all the rapine that has attended it, has made it odious to an extreme. All this paves the way to a change beneficial to the public. I ſay beneficial, becauſe it would ſatisfy and reconcile to us the natives of Indoſtan. The politics of thoſe princes, are exactly of a nature reſulting from ſuch a ſtate of government as they have hitherto lived under; they conſiſt of intrigue, artifice, ſuſpicion, and all crafty methods of getting materials to guide their conduct, by means of ſpies, corruption, &c. and duplicity becomes of courſe their favourite plan. Fear and jealouſy compel the natives, to return to the bowels of the earth the precious metals which were originally extracted from them; yet by a wiſe conduct theſe might be turned to a better uſe, as ſhall hereafter be ſhewn.

All this and much more has certainly ariſen, from an undignified, unſteady, mercantile government carried on by monopoliſts; much of it therefore might be done away, by eſtabliſhing a national government there, to which ſome late regulations have tended. According to the habitual

habitual opinion of Aſiatics, it is a matter of importance that they ſhould conſider themſelves as connected with the Supreme Power in that ſtate to which they are ſubordinate; the whole current of their ideas having flowed in that courſe, they will with pleaſure bend themſelves in ſubjection to officers appointed by the Sovereign who repreſents that ſtate; being fully appriſed of the comparative dignity of ſuch an appointment, and that of a ſuperior appointed under the ſeal of the company. It will be ſhewn too in the ſequel, that the number of appointments to be veſted in the crown is but ſmall, and ſuch as needs not reaſonably to be alarming to thoſe, who have a dread of increaſing the power of that member of our conſtitution. It will ſuffice, and amply ſuffice, if a few of the principal officers are appointed by the crown; for the government of any diſtant country under the ultimate controul of parliament, ought not to be placed in many hands.

Taking it then as clear that the territorial poſſeſſions in India ſhould be deemed (to all purpoſes of civil government) a

part of the Britiſh Empire, and as ſuch to be governed with the ſame view to public benefit that other conqueſts and acquiſitions are; we are now to conſider the objects which moſt require a legiſlative correction, and the manner in which the civil government ought to be carried on. It ſeems to be the opinion of all men, that ſomething extenſive, permanent, and radical muſt now be done, in order to arrange matters in ſuch a manner, as that all poſſible aſſiſtance may be derived from that country to aid us in our preſent difficulties, and be a fund for enabling us to bear thoſe which may hereafter ariſe. The expiration of the company's charter, and the decided preponderance of the Britiſh influence in India, added to every motive which can ariſe from a conſciouſneſs of paſt neglect, abſolutely require that the conductors of public buſineſs ſhould advert moſt ſeriouſly to this vaſt object. We who live under governments long eſtabliſhed, grounded upon wiſe principles, and gradually brought to a wonderful degree of perfection, are ſo much accuſtomed to contemplate thoſe princi-

principles in a familiar manner, that we think it trite or pedantic to repeat them: but when we find that theſe principles have never yet been applied to the government of the Eaſt, it is plain we require to be reminded of them. One of theſe principles is, that in proportion as a ſubordinate territory is well or ill governed, in ſuch proportion exactly will it be productive and beneficial to the ſuperior ſtate. If this be a poſition generally true, with what force does it apply to a country, once crouded with peaceful manufacturers and huſbandmen, whoſe peculiar characteriſtic was induſtry? A country which was the cradle of every thing uſeful or ornamental that is known among men; and which, under the thorough regulation that might be afforded to it by a Britiſh legiſlature, would again be reſtored to much of its original wealth and felicity. But the neglect of this nation has been ſuch, that the ſubject has become almoſt too great for the attention of thoſe, in whoſe hands the remedy for theſe evils is lodged. The utmoſt that can at firſt be done in this great national work, is to

fix right principles, and to eſtabliſh the main ſupports of good government in India; to ſet wiſe and able men at the head of our ſettlements, leaving the operation of thoſe principles to work its effects in the courſe of time. That period will arrive much ſooner than the generality of men expect; for when a gentle, docile, and induſtrious people cry out for a good government, and Great Britain is diſpoſed to give it, a few years will firmly eſtabliſh it, if proper perſons be employed in that great and merciful taſk. Palliative and temporary meaſures will do more harm than good. The people of that country have ſeen the bad effect of wavering and uncertain ſchemes, and have not been induced to increaſe the reſpect which we ſhould endeavour to acquire from them, by thoſe weak and perplexing meaſures.

The main objects of our attention in endeavouring to perfect the government of India are the four following:

1ſt. To ſecure our influence and the permanency of our eſtabliſhments there, by placing ourſelves in ſuch a light among the princes and powers of that country,

as will make it appear beneficial to themſelves to be upon good and friendly terms with us, and conſequently will induce them to prefer our intereſts, to thoſe of any other European nation.

2dly, To revive the internal proſperity of the country more immediately belonging to ourſelves, by giving to the natives a permanent inducement to induſtry, in cultivating the rich and fertile ſoil of the provinces they inhabit, which will neceſſarily be followed by an increaſe of manufacture, and that again by an increaſe of revenue.

3dly, To eſtabliſh ſuch a conſolidated body of civil government, as ſhall preclude diſtraction, diſſention, and that fluctuation of counſels which has been ſo pernicious and diſgraceful, and by this means to give promptitude and dignity to our proceedings there on all occaſions.

4thly, To eſtabliſh a mode of adminiſtering juſtice, among the Europeans, and ſuch of the natives as may be engaged with Europeans in ſuits at law, or who may be guilty of crimes, better adapted to that country than has hitherto been done.

I. The ſecurity which the princes of India will place in the juſt and equitable conduct of this nation towards them in time to come, will depend entirely upon the intentions which they ſhall find expreſſed in the acts of the Britiſh Parliament. The veil is taken from before their eyes; and they who imagine that the Indian princes do not perfectly underſtand, that the Eaſt India Company is the mere creature of a ſuperior authority, are very much miſtaken. That matter is perfectly underſtood, and they are willing to believe that all miſmanagement and oppreſſion has ariſen from their having only an *indirect* connection with the ſovereign power of the ſtate, and a *direct* connection with a corporation of merchants, to whom the government of that country has been delivered over; and they have alſo been made fully to comprehend that this company is the creature of the King and the national council. Thoſe perſons who have the moſt intimate knowledge of that country will all teſtify, that nothing could ſo effectually reconcile to us the hearts of thoſe Aſiatic powers with whom

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we are connected, as a kind of parliamentary faith held out to them for their continuance in their present dominions safe and undisturbed, and the power of transmitting them to their posterity according to the Gentoo or Mahometan practice. This single circumstance would make the English nation take root in those regions, so firmly as not to be plucked up by any strength to be apprehended from Europe. The establishment of a compact British Empire there, with an assurance on the part of this nation that it should protect its neighbours, and maintain each in his just rights, would be a measure which never yet was thought of as a means of acquiring permanency to any nation in those parts, and from every account that can be collected is the great point for which the powers of India most ardently wish. Were this nation to establish such a *league*, and put itself at the head of it, (as it naturally would be) we should soon have reason to be satisfied of having fixed our Empire in the East upon a certain and durable foundation. A time of perfect tranquillity in those parts, is the proper time

time to eſtabliſh this balance of power, and to take that balance into our own hands, to be held for generations to come. An example will illuſtrate this. Hyder Ali is conſidered as a formidable enemy. Nothing is better known than that he is ſuch from provocation and diſtruſt; it is alſo well known that he is not without apprehenſion from the Marrattoes. His inclination is to be allied to the Engliſh, yet that beneficial alliance has never been carried into effect. Theſe two points therefore are eſſentially neceſſary to our well-being in India. Firſt, that the natives of our own territories there ſhould feel themſelves to live under the authority of the ſtate itſelf, and not under an authority ſubordinate to that of the ſtate. Secondly, that the powers of India with whom we have connections by relations more or leſs near, ſhould feel themſelves to be allied to the Britiſh nation, and not to the Eaſt India Company only. This will give them a perfect aſſurance of their own permanancy, aud will accord with all thoſe ideas which prevail in Aſiatic minds. It muſt, I ſhould conceive, be a neceſſary

conſequence

consequence of such a conduct as this that the Princes of India would find their own interest in preserving and defending the system here laid down. But in order that the good correspondence between the British and Indian powers should be constantly maintained, it will be of great importance, that the superintending government of our settlements should have proper persons resident as ministers in all the courts of India. The French have constantly observed this rule, and have given us great disturbance by their attention to it. Very able men have been found among the Company's servants, and still abound, equal to this task in point of knowledge, assiduity, and address. This would teach men the art of conducting public business, and would recommend them in time to the most important offices of the government.

II. The next object of our consideration is the prosperity of the natives inhabiting the British settlements, being that upon which our immediate advantage must depend, and which will be most effectually

ſecured to us by the meaſures touched upon above. The Britiſh dominion in Bengal is 600 miles in length, and 300 in breadth; the extent of our intereſts in the Carnatic, and on the coaſt of Malabar, has of late years been ſo much the ſubject of public diſcuſſion, that it is known to every reader with ſufficient accuracy; and every map will point it out. In Bengal the great ſource of the Sovereign's revenue is the rent of land; it becomes therefore more peculiarly neceſſary to attend to the internal wealth of the country. In this territory however our miſmanagement has occaſioned a very manifeſt decline in agriculture, in trade with the reſt of Aſia (from whence ſpecie flows) and in the manufacture of the country. Theſe three great ſources of wealth muſt be reſtored before the ſovereign ſtate can expect to reap any thing like the advantage which ſuch dependencies might from their nature afford. This may be effectuated in a very conſiderable degree by one ſimple regulation, namely, by aboliſhing the deſtructive practice of letting the lands for ſhort terms of years; a practice introduced by

by the Mahometan conquerors for the purpofe of periodical plunder and oppreffion, and adopted by the Britifh after their example.

Neither agriculture nor manufactures, which have a reciprocal connection and effect on each other, can ever flourifh where there is no permanent property; and it has become a maxim even in the Spanifh government in their South American dominions, according to a late elegant hiftorian, that in order to obtain an increafe of people, a furplus of labour, and of every thing dependant upon that furplus, the land ought to be divided into moderate fhares, the dominion over it made compleat, and the alienation extremely eafy. It would be an aftonifhing thing to fee defarts in the fineft foil under heaven, towns and villages abandoned, and the moft wretched poverty prevailing among a people naturally bent to induftry, were not a bad fyftem of internal government, and the want of a permanent intereft in the land, fully fufficient to account for this melancholy phænomenon. The pernicious practice of letting the lands

for a ſhort ſpace of time, gives birth to a regular gradation of tyranny. The great farmers underletting their lands to ſmaller tenants, who in the end furniſh all the food for rapine. All political writers have obſerved, that there is no effort of legiſlation more arduous, no experiment in politics more uncertain, than an attempt to revive the ſpirit of induſtry where it has declined. This muſt be acknowledged to be indiſputably true, and the application of it to our own caſe ſhould be, that every means ſhould be attempted, to cheriſh what remains of that ſpirit which in Bengal has advanced very far in its declenſion. In order to obviate ſo fatal an evil, the ſyſtem above-mentioned ought immediately to be aboliſhed, and the lands ought either to be ſold in perpetuity, deſcendible or deviſeable according to the Gentoo or Mahometan practice, or let for very long terms: The effect of this would ſoon be felt, and there is demonſtrable evidence of its good conſequences; for in thoſe parts of India which are not ſubject to a foreign power, and where this is the uſage, the moſt flouriſhing people are found

found. This is a point so clear in its own nature, that reasoning upon it cannot make it clearer. If that country is conceived by any man to be an exception to the general rule in favour of the permanency of property, the public will at least expect to be made acquainted with the grounds, on which that exception is founded. This has never yet been unfolded, nor has the Company ever entertained any ideas of correcting this practice; and unless the legislature shall think fit to interpose, the private interest of particular officers under the Company will render it perpetual. Reason, principle, and the history of every other nation concur, in leading us to conclude that a contrary practice would give new vigour to the agriculture of our territories, and would even induce the subjects of other Mahometan princes to settle within the English pale. This would draw after it its constant attendants, increase of population, of manufacture, and of commerce to the other parts of Asia, which last ought to be encouraged and promoted, by every means that a wise government can devise; for the quantity of

manufacture

manufacture will ever be co-extensive with the market which invites the sale of it; open a free passage to more extensive markets, and every exchangeable commodity will find its way there in abundance. The investments would also be naturally and necessarily increased in quantity, and decreased in price.

The terms upon which the practice alluded to should be abolished, might be made a means of acquiring a great public stock. A permanent interest in the lands of Bengal, &c. would raise, on the most gentle and equitable terms, *ten millions sterling*, and continue subject to a quit-rent nearly if not fully equal to the present reserved rent. Much hidden treasure, as was observed above, would rise again from the bowels of the earth to be given in return for this permanent property, and it would become the interest of the purchasers to concur in preventing any hostile attempts from the European powers, against the British provinces. Moderate and equitable imposts, in the shape perhaps of an equal and small land tax, and of equal and small duties on merchandise, (excepting

ing always grofs articles to be wrought up in manufactures) might fecure a regular addition of income, exclufive of the quit-rents, which would keep pace with the growing profperity and wealth of the country. Alterations in the ftate of any extenfive territory, which are of the magnitude and importance of thofe here propofed, muft however be cautioufly and gradually introduced. Wherefore it fhould feem to be advifeable, to try the experiment upon a certain portion of the lands, and to be guided by the fuccefs of the experiment in that inftance. Should it be attended with the advantages which every principle of found policy leads us to hope, all the benefits above ftated will neceffarily follow, and no lofs can accrue from having made the attempt. The annual *quit-rent* would be chearfully and punctually paid; and confequently thofe painful expedients would not be neceffary, without which the rents payable for a fhort and precarious intereft cannot now be recovered. A few officers would fuffice to collect it, a few boards to receive it, and much litigation and difpute between the council

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and court of juſtice would be prevented. Without ſuch an extenſive meaſure as this, it is demonſtrable by figures that Bengal cannot ſupport the heavy balance againſt her. A large and perpetual waſte pipe muſt drain the reſervoir, unleſs the means of influx be opened and kept free.

As theſe few pages are confined to general principles only, founded upon that which is univerſally acknowledged by every one acquainted with that country, a proof of the comparative efflux and influx of ſpecie into, and out of Bengal, would be tedious and unneceſſary, having already frequently been laid before the public. At a future time, when the principles themſelves ſhall have been in the hands of the public, particular points may with more advantage be enlarged upon.

III. Having endeavoured to ſet forth in a few words the meaſures by which our intereſts in India are to be placed on a ſecure footing, both with reſpect to the ſovereign powers there, and the native inhabitants of the Britiſh provinces; we come now to treat of that form of government

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abroad, which muſt eſtabliſh and preſerve this great national work.

Separate and unconnected governments are in their nature liable to every objection; a contradictory ſyſtem of politics may take place in each of them, and has in fact taken place on many important occaſions, and accordingly the late Eaſt India act has conſidered them as pernicious. A general ſuperintending power ought ever to be eſtabliſhed in diſtant ſubordinate territories, and by parity of reaſon, it may be concluded, that the executive authority of government, placed in ſeveral co-ordinate perſons, will be attended with the ſame kinds of inconvenience. Party, faction, and fluctuation of meaſures, have been found to be inſeparable from ſuch a ſyſtem, as the late revolution at Madras, and the political hiſtory of Bengal during the laſt five years, have proved beyond all doubt. Could one man be found equal in point of ability to the taſk of governing alone, and fit in point of integrity for ſuch a truſt, it would be the beſt poſſible method to adopt; but as many reaſons muſt immediately occur againſt that mode, indepen-

dent of the difficulty, or perhaps impoſſibility of finding ſuch an individual, the neareſt practicable plan muſt be adopted.

The precariouſneſs of life in every part of India, renders it neceſſary to guard againſt its fatal effects. For this reaſon a ſucceſſion muſt be provided in every office political and judicial, and the reſidence of the ſuperintending government may be removed from Calcutta, with great advantage to the provinces, and to the conduct of public buſineſs. The conſideration alſo of the great extent of power which muſt unavoidably be placed in the hands of the executive authority there, makes it abſolutely neceſſary that a ſtrong check ſhould be put upon the Governor General; yet at the ſame time it is highly impolitic that this check ſhould be of ſuch a nature as may eventually overpower him. The right medium has never yet been adverted to, the conſequence of which has been, that diſſenſions have ariſen in the ſettlement of Madras, highly prejudicial to the intereſts of this country, and the moſt diſgraceful conteſts and fluctuation of counſels have taken place in Bengal. It is a humiliating

consideration to think that the form of the government established there should admit of such degrading animosities, and that public measures in those countries should in many instances be decided by the doctrine of three to two, and seven to six, as the chances at a gaming table. The individuals have acted on all sides, as men will ever do in similar situations, namely, according to their private interests, and as the insatiable love of gain shall direct them. The legislature at home is alone to blame, which leaves room for such a childish train of politics. The natives may justly exclaim with the frogs in the fable, "It may be sport to you, but it is "death to us;"—and the British nation at large may, in a great degree, join in that exclamation.

The commissions under which the Governors appointed by the Company have acted, leave it doubtful among the best lawyers of the time, what is the precise situation and power of a Governor. Some conceive him to be a necessary party in all deliberations, as the mayor of a corporation; others, that a majority may over-

rule him, exclude him, and even act without him, as the Eaſt India Company have determined in their late inſtructions to the Governor and Council of Madras, contrary to the opinion delivered very lately from the Bench, on the late trial of the information directed by the Houſe of Commons. On the other hand, it has been contended by a late Governor of Madras, that he had a negative voice in all matters of ſtate, under his preſent commiſſion: Any one, who will give himſelf the trouble to inveſtigate this queſtion, will ſee that there is ſome ground for this variety of opinions, ariſing from the continuance of that inaccurate form of a commiſſion, which was ſufficiently explicit, at a time when the Governor and Council were little more than a committee of merchants ſuperintending the Company's trade. From hence it is plain that the nature of a Governor's office muſt now be new modelled, and accurately defined by the inſtrument of his appointment. The aſcertaining of a Counſellor's office will then be no difficult taſk; but we muſt go much deeper. Nothing is more clear

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in theory, than that a general ſuperintending government is abſolutely neceſſary in India, and in practice it has been found to anſwer very ſalutary purpoſes, both among ourſelves, and among the Dutch. It was a favourite idea of the late Lord Clive, who knew that country well, and whoſe political ſagacity was inferior to no man's, that the reſidence of the general government ought not to be at Calcutta, but that it would be placed with more advantage at MUXUDABAD. The benefits which would ariſe from this change of the ſeat of government, are very conſiderable: The collectors of the revenue would not then be under the neceſſity of coming to the extremity of the province, in order to tranſact their buſineſs, and of leaving their reſpective diſtricts during their abſence, in the hands of deputies who fail not to take an advantage of that circumſtance, exceedingly injurious and oppreſſive to their inferiors. The cabals, intrigues and parties prevailing at Calcutta, which is crouded with people of every rank and denomination, would in a great degree be prevented, by placing the general government

ment at ſome diſtance, and every man would not then enter into politics and party, as has been too much the caſe at Calcutta ever ſince the Britiſh nation grew to its preſent height in that country.—Another conſideration too ought to have ſome effect. The climate of Muxudabad is one of the wholſomeſt in Indoſtan; a conſideration which from every reaſon ought to weigh very much, and if no irrefragable argument can be urged againſt it, ought to be deciſive. Much advantage might alſo ariſe from placing the great executive authority at a little diſtance from the familiarity, which in the nature of things muſt take place between the Governors and their ſubjects, in the great mercantile town of Calcutta; ſuch familiarities being naturally increaſed by a certain feeling of baniſhment, common to all men who find themſelves ſubjected to the ſame perils, in a country very diſtant from their native land. The city of Muxudabad is but twenty-four hours journey from Calcutta; ſo that on preſſing occaſions, the Governor might ſoon be preſent there, and his diſpatches would be little retarded

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by a diſtance ſo inconſiderable. The Government General has now very little to do with the mercantile concerns of the Company, as a Board of Trade ſuperintends the matter of inveſtment; and this obviates the only objection to Lord Clive's idea, which was, the neceſſary attendance of the Governor and Council at Calcutta for that particular purpoſe. All theſe reaſons, therefore, concur in favour of the Governor's reſidence at Muxudabad, viz. The comparative wholeſomeneſs of the climate, the great convenience to the natives, the abſence from diſſipation, party, and faction, and I may add too, the coincidence with the prejudices of the country, in ſeeing the government eſtabliſhed in the ancient place of its reſidence. The Exchequer muſt of neceſſity follow the Supreme Power, but the miniſters of juſtice might ſtill remain at Calcutta, together with all other Boards and Officers connected with the merchandiſe of the Company; and very ſalutary effects would proceed, in a variety of reſpects, even from the local ſeparation of traffick from politics.

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The ſubordinate governments of Madras and Bombay are by the Act 13 Geo. III. c. 63. ſubjected to the Supreme Power, only *in matters reſpecting peace and war.* This is undoubtedly a reſtriction much too narrow; for it becomes a queſtion of nice caſuiſtry, what may, or may not be a a matter of peace and war. Thus in the late confuſions at Madras, it has been doubted whether the cogniſance of that matter did or did not fall within the literal or conſtructive terms of the act of parliament, giving coercive authority to the Supreme Council: But it is obvious that a Supreme Government ought to be ſupreme in every point. Nothing that is done in any of our ſettlements can be indifferent to us, or without ſome poſſible conſequences which may materially affect the general intereſt; and as the Supreme Government muſt be conſidered as a public deputation, intended to regulate the national intereſts in the whole of our Eaſtern dominions, their authority ought to be without ſpecific reſtraint or deſcription in exerciſing the legal power delegated by the nation. This conſiſtency in government

ment has ever yet been wanting, and the want of it has been regretted by every writer upon the ſubject of our affairs in India, as well as by every individual converſant in them; and having been remedied in a very beneficial degree by the late act of parliament, we have every reaſon to make that part of the government perfect, by following out the imperfect regulations of that act on this ſubject, which were wiſely intended to be but temporary, and experimental. The powers therefore veſted in the Supreme Council being circumſcribed by no bounds but thoſe which the law of the land impoſes, and extending to all perſons, and all places, it becomes a very important point to ſettle the conſtitution of this ſuperintending authority.

It was obſerved above, that ſeparated and unconnected governments were in their nature an impolitic inſtitution, and that by a ſimilar kind of reaſoning, equal or nearly equal authority, veſted in ſeveral perſons, muſt alſo be conſidered as impolitic. Hitherto the authority of the Governor, in his capacity of Preſident of the Council, has been conſidered by the warm-

eſt advocates for the extenſion of his power, as giving him only a caſting vote, and a neceſſary ſeat in all deliberations. In a variety of inſtances the Governor of Bengal has been in the minority, and has been wantonly teazed and humiliated by the majority: Different parties have by death or other accidents been triumphant in their turns, and government by that means ſhamefully debaſed. If it be ever intended that the government of India ſhould be carried on with vigour and uniformity, it will be neceſſary to inveſt the Governor with a power of *putting a negative* upon the proceedings of his Council, that Council being always at liberty to minute their propoſition when they ſhall ſee occaſion. The practice of corrupting the Council, which has poiſoned the whole ſyſtem of Indian government, will by this means be done away, and a ſufficient controul will ſtill remain upon the Governor, as he will be under the neceſſity of ſtating all matters to his council, of hearing every thing ſtated by them, and of running the hazard of acting againſt the opinion of a majority. Any man who ventures to make

uſe of his negative power, muſt be very well founded in his judgment; nor can it eaſily be ſuppoſed, that he would differ from them, unleſs his reaſons for ſo doing could well ſtand the teſt of examination. The queſtion reſolves itſelf into this. Is it a greater evil, that a Governor ſhould have it in his power to put his negative upon the proceedings of his council, than that the Counſellors ſhould be co-ordinate with the Governor, ſo as that a faction among themſelves, or a ſyſtem of corruption, ſhould enable them to overpower the Governor, and thereby render themſelves objects of bribery, job, and Aſiatic intrigue? Experience has ſhewn that the latter is the leaſt dangerous of the two. The council has ever been the ſeat of corruption, becauſe they have had a deliberative voice in the adminiſtration of government, and could compel the Governor to adopt their meaſures. If that deliberative voice ſhould be rendered not binding upon the Governor by means of the negative propoſed, the beſt and moſt diſintereſted effects of a council will ſtill remain, and the price of a counſellor's vote in the Indian market

will be rendered of little or no value. The nomination to all civil and military offices ought from the ſame reaſons to be placed in the hands of the Governor, ſubject to a controul from Europe; for all cabal and intrigue in the councils have ſhewn themſelves in theſe appointments. The diſſentions at Madras afford ample evidence of this. Who ſhould, or ſhould not be appointed to fill the higheſt ſtations at Tanjore, was the queſtion which brought to light the diſſentions in that ſettlement; and it has been ſuſpected by many (though certainly never judicially proved) that this queſtion, apparently trifling, became important to the parties from an undue influence obtained over the majority of the council: Be that as it may, the fact itſelf is a powerful reaſon for diminiſhing their authority, and giving ſome preponderance to that of the Governor. Of late years, accident has often determined in Bengal the hands in which the ſupreme authority ſhould reſide; the inferior ſervants of the Company have therefore been capriciouſly diſmiſſed from their employments, and their ſucceſſors

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as capriciously dismissed, when chance turned the casting vote the other way. Can such a mode of government be either creditable or beneficial to the public? Experience is the only sure guide in all political regulations, and that experience tells us, that if a Governor be not invested with such a negative authority as is here proposed, a corrupt or caballing council will never be wanting to rule according to their own interests or caprices. Such a power being vested in the Governor, it becomes so much the more important to consider of what description that Governor ought to be. It is with some surprise that we now look back upon the practice which obtained till within these few years, of raising the Governors and Counsellors to those high stations merely by rotation. This might be a just and equitable practice before the acquisition of a great political interest in that country, because the management of mercantile concerns is in a great degree matter of experience only; but when complicated political interests of a vast empire become the subject-matter of their trust, very chosen men must

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be ſpecially appointed to undertake that charge. Even ſince the paſſing of the late act of parliament, the ancient predilection ſeems to have continued in favour of gentlemen who have paſſed the former part of their lives, and have received their education and habits in that country; and with reſpect to Madras, (where this has been the caſe without exception) a great law officer lately threw out in the court of King's Bench, that ſome perſons of that deſcription were now *bidding* for that very government. It is certainly a very illiberal thing to ſuppoſe, that every man who has made his fortune in India is unfit to be truſted with the government. Many able and honeſt men have returned from that part of the world, after having rendered ſignal ſervice to their country. Men who by a ſpirit of adventure and great perſeverance advance their private fortunes, beginning in an humble ſtation, and riſing to a certain degree of rank in the ſtate, are intitled to every degree of reſpect. All the diſtinctions of rank in ſociety have begun in that manner, and the proſpect of arriving at wealth and honours is the great

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ſtimulus to all ſubjects, born to the neceſſity of proſecuting ſome profeſſion in this country. No man of candour therefore will withhold his approbation of the honours which have been beſtowed on gentlemen who have made their fortunes in India, and intitled themſelves to the notice of their Sovereign. At the ſame time it muſt be confeſſed, that great and liberal ideas of government are not moſt likely to be acquired, in the progreſs from poverty and inſignificance to wealth and power in India. The generality of men are not ſo much influenced by the abſtract principles of moral rectitude, as by ſome powerful ſecondary principles of action. One of the moſt conſiderable of thoſe ſecondary principles, is the preſervation of an eſtabliſhed character, and the fear of diſgracing our acquaintance, our friends, and relations. Men too young to have eſtabliſhed a fixed reputation in England, and born in the leſs conſpicuous ranks of life, if they ſhall chance to return to their native country in affluence acquired in India, have then to begin the work of forming a reputation at home; but during their

refidence in the Eaft, they have not felt the influence of the motives above-mentioned. They were never deterred from purfuing the favourite object which was early fet before them, by the controul which arifes from the relation they bear to many refpectable connections in England, and the dread of not acting up to the uniform tenor of their lives in their native climate. Having none other than the habits and ideas prevalent in the feat of their early education, they are principally directed by them. When men of a different defcription have been placed at the head of affairs in India, they have ever been found proof againft the contagious avarice and rapacity, which prevail there. The reafon is plain; no price can be found adequate to the mortification of returning to England, and finding a character once unexceptionable, perfectly altered, or even rendered difputable. Accordingly, no man has ever ventured to infinuate the fmalleft degree of reflection, upon the integrity of Sir John Clavering, and Mr. Monfon, who felt that it was expected of them, in a confpicuous ftation abroad,

to ſupport the honour of their numerous connections at home, and of reſpectable and noble birth. It ought to be the duty of a miniſter not to accept of the firſt and moſt neceſſitous volunteer, but to diſcover with ſome pains men who are bound by all theſe conſiderations, and to ſecure to them and their families a handſome indemnity for the proſpects which they may relinquiſh in Europe: Nor is it to be imagined that ſuch men are not to be found, unleſs we adopt the maxim which is induſtriouſly propagated from that country, that there is ſo much intricacy and myſtery in the affairs of Aſia, that a whole life-time is ſcarcely adequate to the comprehenſion of them. This doctrine has been artfully and ſucceſsfully inculcated; and yet we find that a common ſhare of good underſtanding, joined to much attention and induſtry, has enabled ſecret and ſelect committees of the Houſe of Commons, in no long ſpace of time, to be more maſters of the ſubject, than moſt men who return from the common routine of buſineſs in the Eaſt. We find many individuals alſo who are very conſiderably verſed in Indian

affairs from converſation, correſpondence, reading, and reflection : And in truth theſe matters have of late years become ſo much the ſubject of public attention, that almoſt every one has gained a competent knowledge of the hiſtory, manners, and politics of that country. There can be no doubt, therefore, but that a man of education, with an underſtanding turned to public buſineſs, carrying out with him a general knowledge of Eaſtern politics, would in a ſhort time acquire that degree of local knowledge, which would render him capable of executing, with infinite advantage to the public, every meaſure which his good intentions, and the powerful obligations impoſed by the pride of a clear reputation, together with the dread of diſgracing an honourable parentage, could ſuggeſt to him. For theſe reaſons, it is manifeſtly a matter of great public conſequence, to place ſome men of reputation and connection, from this country, at once in the higher ſtations of the government in India. It is far from being contended, that men of the deſcription which has been given, ſhould entirely exclude all others,

but only to prove that they ought not to be excluded; on the contrary, that without a mixture of ſuch ingredients there can be no good government in that country. It muſt be owned, that the diſcovering of the characters here alluded to, is no very eaſy taſk, though undoubtedly it may be effectuated. The nature of our free conſtitution, together with the manners which follow from it, and the proſpects which it affords, makes it a matter of ſome difficulty to find men of ability willing to adventure in thoſe diſtant undertakings; at the ſame time this very conſtitution and theſe manners form a greater number of ſubjects adequate to ſuch employments, than any others in the world. The field which is opened in England to every degree of talents and induſtry is very large. The profeſſion of arms in the land and ſea ſervice, demands a great ſupply, and the learned profeſſions of divinity and law have their reſpective allurements. The former offers ample emoluments by means of what is vulgarly called intereſt, and the latter by means of genius and induſtry. The number of able ſubjects ſeated in either

Houſe of Parliament, and who from that ſituation are exempted from the neceſſity of indulging or cheriſhing the ſpirit of adventure, or expect ſo to be, is very large; and theſe conſiderations muſt ſtrongly influence every man ſo circumſtanced, who thinks of abandoning his cloſeſt connections for a time, and who runs a riſk of falling a ſacrifice to the climates of the Eaſt.

Difficult however as the taſk may be, it is certain, that with ſome degree of pains, and proper encouragement, ſuch men are to be found; or rather it ſhould be ſaid, that men are to be found in the Britiſh nation, equal to any poſſible taſk where honour is to be acquired, or public ſervice to be done, ready to undertake it. In a caſe where ſo deep an intereſt is at ſtake, it may reaſonably be required of a miniſter to conſider in his own mind, or to be informed from others, of perſons adequate to theſe ſtations, and to take every means of inducing ſuch perſons, when found, to bear that part in the public ſervice: But inſtead of making ſuch efforts, it has been uſual to be ſatisfied with chuſing out of

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two or three volunteers, who having made one fortune in that country and miſ-ſpent it in this, are deſirous of returning to make a ſecond as quickly as poſſible.

Many perſons fitted in every view to conduct our diſtant political intereſts, either deſpairing of ſucceſs in their applications to thoſe in power, or who may not have turned their thoughts to that particular object, would, if it were ſuggeſted to them, readily accept that ſervice. The ſame induſtry ought therefore to be uſed by the miniſters in this country as in France, to caſt their eyes on the moſt proper perſons, and propoſe ſuch employments to thoſe whom they ſhall think the moſt virtuous and moſt capable. In this reſpect the French and other nations have ſome degree of advantage over us: For as the opportunities of obtaining a ſhare in the adminiſtration of public affairs, are not ſo extenſive among them by reaſon of the want of legiſlative aſſemblies, they therefore have a great ſurplus of ſubjects, able and willing to ſerve the ſtate in public capacities, in any corner of the globe, and thoſe too men of the beſt and moſt honourable

able families. The honour of bearing the King's commiſſion is ſufficient to induce any ſubject in France to forego for the time his comforts and enjoyments; the objects of his ambition at home being very few, and attainable with great difficulty. For this reaſon, the French ambaſſadors, governors, and foreign agents of every deſcription, have been found in almoſt every inſtance to have been men of very ſuperior capacity and addreſs, and of theſe there has never been wanting a ſucceſſion; whereas in England, it has been matter of ſome difficulty to find a ſucceſſion of perſons fit to conduct the buſineſs of the ſtate with ability in the ſubordinate foreign departments, and who are at the ſame time deſirous of being ſo employed, or would ſubmit to the diſguſts which attend all ſolicitations addreſſed to perſons in office. The forward applications of indigent or preſuming perſons, are generally in ſuch caſes attended to; and miniſters ſuffer themſelves to be overcome by the ſuperior importunity of ſome one of many improper candidates, and exert their influence in the India Houſe accordingly. But they ſhould

ſhould recollect that the character which ought to be ſent to our foreign dominions, for the purpoſe of placing them upon a ſecure foundation, and of introducing juſt and enlarged principles of government, is exactly oppoſed to that of an importunate volunteer. A man of knowledge, coolneſs, and moderation, will not be a likely perſon to purchaſe ſuch an appointment at the expence of a ſollicitation at the Treaſury, or the India Houſe: Yet ſuch is the character fit to be appointed, and ſuch alone can ſave that part of our dominions from becoming detrimental inſtead of being highly profitable. It were better too that our Governors in India ſhould not be permitted to hold their ſeats in parliament, as that naturally gives them an additional deſire to return from their ſtation; nor ought they in juſtice to enjoy that privilege, if they are nominated by the Crown, when a Governor in our Weſt-India ſettlements is deprived of it. An Eaſt India Governor ſo nominated, would indeed by anology, or even a ſound conſtruction of the diſqualifying acts, be conſidered

fidered as incapable of fitting during the continuance of his government.

Not many years ago the minifters of Spain found it neceffary to confider in their own minds, of fome fit perfons to conduct the goverment of South America, which had hitherto been very ill adminiftered. One man of abilities and integrity, the Marquis de Croix, was picked out for this purpofe, who has rendered more effential fervice to both Old and New Spain, than perhaps any fubject that country ever produced. He returned in the year 1772, with great honour to himfelf, his friends, and relations whom he had left behind him, and with that unfpeakable fatiffaction of mind which arifes from a confcioufnefs of having wrought the utmoft degree of good which his fuperior knowledge, humanity, and parts eminently qualified him to do; and what is more remarkable, with a very moderate addition to his fortune, if he made any addition to it whatever.

I have dwelt a little the longer upon this particular topic, becaufe it is generally conceived that feveral new appoint-

ments muſt ſoon take place in that line of public employment: and if this plain ſtate of the miſchiefs which may ariſe from continuing the old ſyſtem of nominating Governors and Counſellors, ſhould accidentally chance to be honoured with the peruſal of any among the principal ſervants of the State, it is poſſible that it may help to awaken their attention to a matter ſo extremely important.

The Governor in each of the three preſidencies ſhould be aſſiſted by a council, not exceeding four in number; and it is obvious that ſome of thoſe ſhould be perſons the moſt eminently converſant in the detail of the country buſineſs. The commander in chief for the time being ſhould alſo be of this body, but the chief *Law Officer* need not have a ſeat at the political Board, but ought however to be conſidered as bound to give his aſſiſtance when required. A council ſo conſtituted, and ſubject to the Governor's *veto*, but at the ſame time at liberty to record their own propoſitions if negatived, and the grounds of their diſſent from thoſe of the

Governor, ſeems to compriſe in it all the advantages of a controul upon the Governor, and at the ſame time of extracting that ſting with which they have in many recent inſtances ſo grievouſly annoyed him, to the great impediment of our national concerns. The councils upon the coaſts of Malabar and Coromandel being in all reſpects ſubject to the Supreme Council in Bengal, ſtrength and conſiſtency will thereby be given to the whole Britiſh dominion in India; and thoſe deſtructive ſcenes which have expoſed us to the contemptuous hatred of the natives, and the ridicule of Europe, will probably be prevented, or will at leaſt be leſs likely to occur than they have been heretofore.

IV. It were to little purpoſe to eſtabliſh a well-connected mode of government in any ſtate, or to aſcertain by laws the permanency of every man's intereſt in his lands and goods, unleſs that government were itſelf controuled, and that permanency of property ſecured, by an

upright adminiſtration of juſtice; for this it is, which gives real effect to the wiſeſt regulations that human prudence can invent. In this matter the legiſlature has felt itſelf under very conſiderable difficulties: on the one hand, they were ſenſible of the great wiſdom of the municipal law of England in the protection of private property, and they felt that the merciful nature of the Engliſh mode of trial in criminal matters makes it applicable to many caſes, whereſoever they might happen to ariſe, being founded in the true and univerſal principles of abſtract juſtice, and proceeding upon rules of evidence, ſcrupulous and accurate to an extreme. On the other hand it muſt be acknowledged, that much of that law, complicated and voluminous as it now is, takes its riſe from the peculiar nature of the Engliſh government, and the manners and cuſtoms of a free people; ſo that in many reſpects no ſyſtem of municipal law can be more local or more peculiarly adapted to the country where it prevails. To tranſplant it, therefore, is a work

of great delicacy, and the good or bad effects of that meaſure muſt entirely depend on the judicious manner of applying the principles which govern the laws of one country, to another differing entirely in its cuſtoms, habits, manners, and ſubſiſting regulations. A vaſt proportion of the technical ſyſtem of our law, though highly beneficial to ourſelves, would be intolerable to any other people, and even the principles themſelves ought to be ſelected by a very liberal underſtanding, in order to be made applicable to any other people, even in matters of private property. With reſpect to crimes, peculiar manners give occaſion to a ſeverity in puniſhing, very different in different ſocieties, according to their deſtructive tendency in each reſpective ſociety. A moment's conſideration will be ſufficient to convince any man, that an act done in *England*, and attended with the forfeiture of life itſelf, need not perhaps be attended with any puniſhment at *Conſtantinople*, approaching to that degree of ſeverity. The crimes which are called *mala in ſe*, muſt

muſt it is true be univerſally conſidered as the proper objects of vindictive juſtice; but the inferior claſſes, even of ſuch crimes, may differ very much as to their pernicious tendency in different ſtates; and the *mala prohibita* are in their nature offences relative to the peculiar ſociety by which they are enacted. The great difficulty therefore conſiſts in the application of ſuch parts only of our law civil and criminal, as may, from its abſtract juſtice, be applied to caſes ariſing in a country differing from our own, and of reſtraining the miniſters of juſtice from an improvident application of it in other parts. It is impoſſible to lay down a preciſe rule to regulate a judge in this nice determination. That the law of England ſhould be adminiſtered to parties purely Engliſh is liable to no exception, but, on the contrary, it is the right of Engliſh ſubjects in civil caſes, and is what they have been taught to expect in criminal proſecutions. The difficulty commences when we ſuppoſe one of the natives to be party to a civil ſuit, or priſoner

ſoner in a criminal proceeding. The jurifdiction of the Supreme Court of Juftice eftabliſhed at Calcutta by the Act of the 13 G. III. c. 63, is extended, with reſpect to the natives, " to all perſons " who are or have been employed by, or " ſhall then have been directly or in- " directly employed, in the ſervice of the " ſaid united Company, or any of his " Majeſty's ſubjects." The number of perſons who fall within the deſcription of being actually employed, or having been formerly employed, in the ſervice of Europeans, is very conſiderable, and this deſcription was for ſome time interpreted by the Judges to comprehend all perſons connected with the collection of the rents; and alſo to ſuch of the natives as were impriſoned by thoſe collectors. Writs of *habeas corpus* were accordingly granted to public debtors ſo impriſoned. This was found to affect the public revenue of the country moſt eſſentially, and has at laſt been ſettled by a ſpecies of compromiſe between the Supreme Council and Supreme Court. Some explicit

rule

rule however is neceſſary in this matter, for there are evils to be guarded againſt on both ſides. The moſt obvious ſeems to be to withhold the *habeas corpus* in caſes of impriſonment for non-payment of rent, leaving the party to his remedy when he ſhall have paid it; in which caſe the Judge ſhould think it his duty to carry vindictive juſtice to an extreme againſt the oppreſſor. The collector falls within the deſcription of the act of parliament as a perſon employed in the ſervice of the Company, and is therefore amenable to the juſtice of the Supreme Court, in all caſes where he ſhall have abuſed his authority; and the King's Attorney General in the ſettlement might, in all ſuch caſes, file an information, with leave of the court, againſt the oppreſſor. The line of diſtinction, drawn by the act above-mentioned, namely, that a native muſt have ſubmitted himſelf by a contract in writing to the determination of the Engliſh Judges, is very juſt and proper: But even then, if a Judge ſhall conceive himſelf bound by his

oath

oath to adminifter the Englifh law in its full purity, his decifion may not accord with the intention, and habitual meaning of the native party. Much latitude fhould therefore be allowed to any Judge deciding upon a tranfaction arifing in a country, where the laws, habits, religion, and manners, differ totally from thofe of England. He ought, in fuch cafes, to frame his decifions *fecundum æquum et bonum*, and according to the infight he may acquire into the peculiarities of the national ideas, rather than according to any pofitive fyftem. In criminal cafes, the abfurdity or rather cruelty of applying doctrines *pofitivi juris*, without confidering the current ideas of the country in which they are applied, is fo glaring that every man muft perceive it. The tragedy of Nundocomar muft immediately prefent itfelf to every one's mind. A native Hindoo, of great rank and opulence, was indicted for a forgery, contrary to a pofitive ftatute paffed in the year 1728, and was condemned and executed for an offence

againſt that ſtatute, committed nine years before, and which had never been conſidered in India as deſerving of the laſt degree of human puniſhment, nor even in England till within forty years preceding, at which time the frequency of the offence, and the peculiar danger of it in this country, made it neceſſary to rank it among the hundred and eleven capital crimes, which a ſubject of England may commit, and for which he may ſuffer in the firſt or ſecond inſtance. From what has been ſaid it will readily be acknowledged, that difficulties almoſt inſuperable occur in the diſpenſation of Engliſh law to the natives, when they happen to be one of the parties litigant. The moſt beneficial inſtitution for them would be, to leave the Supreme Court at liberty to act rather as *Arbitrators* than as Lawyers, in all caſes where natives are intereſted on the one ſide or the other. The court will naturally have a leaning towards thoſe principles of juriſprudence which are familiar to the Judges; and at the ſame time it will be enabled to give full

ſcope to all local and equitable ideas. In all criminal caſes their power of inflicting capital puniſhments ought to be circumſcribed by the ancient ſimplicity of our own law. Treaſon, murder, rape, and wilful burning of houſes, were in ancient time the only capital offences, and theſe would ſtill be fully ſufficient in India. All ſubordinate crimes are of a magnitude merely relative to the exigences of the ſociety in which they have been made capital. Were the parliament of Great Britain now for the firſt time to begin the formation of a criminal code, it is highly probable that they would not very much exceed the limits here preſcribed; *a fortiori*, when they are to introduce a ſyſtem of criminal law into the Aſiatic provinces, they ſhould confine the catalogue of capital offences within the narroweſt bounds. In all commercial countries, it is true, that the crime of forgery becomes a ſerious object of coercion; yet a ſpecific puniſhment, ſuch as one or two years impriſonment, a public diſgrace ſimilar to the pillory, a

very heavy fine, or a forfeiture of three times the ſum, as in the caſe of uſury in England, might have the ſame good conſequences in India, and would be agreeable to the law of all the world. Were the latitude of determination in all civil caſes which is here propoſed, left to the Engliſh courts of juſtice in India, and the offences to be capitally puniſhed there, limited to thoſe four which were alone thought worthy of death by the humanity of our own anceſtors, and were the crime of forgery ſubjected to very ſevere conſequences ſhort of death, an Engliſh court of juſtice, governed as far as is poſſible by Engliſh maxims of law, would be an eſſential bleſſing to the natives of that country. At the ſame time that ſuch limitations are impoſed upon the court with reſpect to the natives in criminal caſes, and ſuch latitude given in civil caſes, it is by no means propoſed that the law of England ſhould be adminiſtered to parties purely European differently from what it is in England: they are bound to ſubmit to it, they are ac-

quainted with it, and revere it, but the caſe is widely different with reſpect to the Aſiatic ſubjects. An appeal from the Supreme Court to his Majeſty in council is eſſentially neceſſary in this caſe, as in every other of the ſame nature, in order to preſerve the uniformity and integrity of the law, to controul the proceedings of inferior courts, and keep them within the line of their duty. As the latitude which muſt neceſſarily be given to the Judge is very extenſive, he muſt be made proportionably reſponſible in all caſes of wilful malverſation. The conſtitution of the Court of Juſtice in Calcutta has ſhewn itſelf liable to ſome material objections. It conſiſts at preſent of four Judges, a number objectionable from its liability to equal diviſion, and ſtill more ſo from its being expoſed to altercations and conteſt, of which the inhabitants of Calcutta have ſeen the moſt indecent examples. Much diſcretion muſt be aſſumed (if it be not directly given) by any court eſtabliſhed in that country, and this will of itſelf beget great varia-

tions

tions in their ſentiments: but the moſt material defect has been ſeen in their tendency to party attachments. This has occaſioned a perſuaſion in moſt men acquainted with Calcutta, that a ſingle Judge with a deputy to aſſiſt him, ſimilar to the Chancellor and Maſter of the Rolls in England, would anſwer the purpoſes of juſtice in a more effectual manner; and that two perſons acting in ſimilar capacities might be afforded to Madras. The Superior Judge might be confined to cauſes exceeding two hundred pounds in value, except where they were tried by conſent before the inferior, from whom an appeal might lie to the Superior Judge in all caſes exceeding one hundred pounds. A ſpecies of rivalſhip between the two courts would thus be eſtabliſhed, and they would operate in a degree as a kind of controul upon each other. In criminal caſes they ought to ſit together, and the Superior might at all times call the other to his aſſiſtance in civil cauſes.

The ſame inſtitution eſtabliſhed at Madras would be of infinite ſervice to that

ſettlement,

ſettlement, as the late diſturbances very clearly evince. The interpoſition of a ſenſible Judge might poſſibly have prevented the impriſonment of the Governor, and the conſequences which have followed from it to all parties, and would undoubtedly have prevented the illegal and unjuſt proceedings of the pretended coroner's inqueſt, which no man can read without horror and aſtoniſhment.

Weſtminſter-Hall will not afford four capable men for each of theſe ſettlements, who would be diſpoſed to remove into thoſe climates, at the advanced period of life which is requiſite for the exerciſe of theſe ſolemn functions. The candidates for the honours and emoluments of that profeſſion being in general not men of deſperate circumſtances, are not much tempted to ſeek their fortunes in India; and ſuch of them as would naturally attract the attention of thoſe to whom it belongs to recommend them, have from that very reaſon, well-grounded hopes of acquiring a competent ſhare

of

of employment in their own country. There will always therefore be a ſcarcity of Indian Judges; and it is reported that upon the firſt eſtabliſhment of the Supreme Court of Juſtice only five candidates preſented themſelves, to fill the four ſeats; and as the novelty of that inſtitution produced ſo ſmall a number, it is not to be ſuppoſed that many perſons will offer themſelves on future vacancies. If the Engliſh Bar will barely ſupply four Judges, and it be thought proper to eſtabliſh a Court of Juſtice at Madras; it will be neceſſary to divide them in the manner above-mentioned, with a direct appeal from Madras to the Privy Council. The ſum at preſent allotted to the Supreme Court is 26,000l. a year. This ſum might be diſtributed between the two ſettlements, ſo as to afford a very handſome emolument to the chief and ſecond Judge of each, by allotting 9000l. to the chief Juſtice of Bengal, 5000l. to his deputy, 7000l. to the Chief Juſtice of Madras, and 4000l. to the inferior Judge, leaving 1000l. to the officers of the New Court at Madras.

The

The ſettlement of Bombay is ſo narrow, that no neceſſity has yet appeared of giving them an expenſive Court of Judicature. By theſe means, all diſſention, altercation, and tendency to party, would ceaſe; and if an expectation of ſucceſſion were held out to the deputies, it would be an inducement to younger men of merit at the Bar to preſent themſelves for thoſe two ſubordinate ſtations. Both Calcutta and Madras would by this regulation be well ſupplied, by the ſame number of Judges, and at the ſame expence that one court only is now filled. It may be thought that ſubordinate Judges will not ſo eaſily be found, when their ſalary is 5000l. and 4000l. as they will be on the preſent eſtabliſhment of 6000l. but the great inducement ariſing from the hopes of ſucceeding immediately to the very high ſtation of a Superior Judge, will ſtimulate more powerfully, than the difference of ſalary propoſed would diſcourage.

We have now touched upon the ſeveral heads propoſed, and have endeavoured to

attract the reader's attention towards the fundamental points which ought to be settled, when the new arrangement of the affairs of the East Indies comes under the consideration of the legislature. The author's object has been to impress the reader, whether he be a plain citizen of the State, a Member of Parliament, or Minister, with a just sense of the vast extent and importance of the subject. It has been attempted also to shew, that nothing short of a sound and enlarged political system, founded and carried on by some considerable men, can save our territory in the East from being gradually depopulated and exhausted; and that by the establishment of such a system, well carried on, the advantage to this kingdom would be both great and lasting. It is very much feared by the public, that no such extended measures will find their way into the closets of those who are to determine whether the old system is in substance to continue, with slight and partial amendments, or whether

Immedicabile vulnus
Ense recidendum est ne pars sincera trahitur.

This apprehenſion ariſes from an opinion, that the conſideration of theſe affairs requires time and leiſure, and that few miniſters are actuated by abſtract principles of policy in the government of ſubordinate ſtates, but rather by the neceſſities of the preſent hour.

In the midſt of a dangerous and complicated war, and much diſtracted by the activity of a warm oppoſition in Parliament, it is feared that our Miniſters will ſcarcely be able to afford to this ſubject the attention which it deſerves, or that they can avoid conceding many points to the Company, very pernicious to India, for the ſake of ſome temporary profit. Every ground, however, for ſuſpecting their zeal for the proſperity of ſubordinate kingdoms, ſeems now to be ungenerous and unjuſt, when we turn our eyes towards the kingdom of Ireland. The ſervants of the State will turn their attention with the ſame humanity, aſſiduity, and true political principles, towards the Eaſtern dominions. They will recollect that ſo favourable an opportunity as the preſent never can ariſe, to

lay the foundation of a lucrative, profperous, and permanent intereft in that part of the world; that the true intereft of this kingdom requires our Afiatic territories fhould be rendered as productive to the fuperior State as poffible, confiftently with a view to futurity, which can only be done by confulting the true *internal* interefts of thefe provinces themfelves. By thefe means the revenue to be derived from their profperity, and their profperity only, muft be greatly augmented, perhaps beyond our moft fanguine expectations; and might be divided between the purfe of the Company, and that of the Nation, as far as refpects the territorial revenue, and the ftock to arife from the fale of a long or perpetual intereft in the lands, as Parliament, upon a full examination, fhall think juft and reafonable.

F I N I S.